



City of Rockville

## MEMORANDUM

February 10, 2006

TO: Scott Ullery, City Manager

FROM: Steve Mader, Superintendent of Parks and Facilities *SM*

VIA: Burt Hall, Director of Recreation and Parks *Burt*

SUBJECT: Forest and Tree Preservation Ordinance – Tree Protection Requirements

This memorandum provides background information for the Mayor and Council in response to issues and questions that arose during the Zoning Ordinance worksession on "Green Requirements." It clarifies the requirements and applicability of tree protection measures during development activities.

The Forest and Tree Preservation Ordinance (FTPO) was established to:

1. Encourage the preservation and enhancement of Rockville's urban forests.
2. Replace tree cover in non-forest areas within the City.
3. Establish procedures, standards and requirements that protect trees and forests during and after development activity and minimize tree loss due to development activity.
4. Establish procedures, standards and requirements for afforestation and reforestation of land within the City.
5. Meet the requirements of the Natural Resources Article, Sections 5-1601 through 5-1613 of the Annotated Code of Maryland.

As specified in the ordinance, applicants are required to complete a Forest Stand Delineation (FSD) and a Forest Conservation Plan (FCP). The FSD identifies the natural resources on-site. The FCP is a plan that delineates how the developer will protect the on-site resources during and after construction. Within the FCP plan, there are specifications for *tree fencing, root pruning, tree pruning, invasive plant removal, tree planting and other tree protection measures*, as required for each individual development site.

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The ordinance applies for developments in which:

1. There is a subdivision of land.
2. A sediment control permit is required.
3. A use permit or use permit amendment is required,
4. Planned unit developments, CPD's, etc.

Projects that are specifically **exempt** from the ordinance include:

1. Single-family residential lots, regardless of zone, that are improved with an existing structure containing not more than one (1) single-dwelling unit. This includes townhouses and semi-detached dwellings located on separate lots and one-family dwellings that are modified to include an accessory apartment approved by special exception. For example, a single-family lot with an existing house, which is planned for improvements such as an addition, or for demolition and rebuild, is *not* covered under the ordinance. However, a vacant single-family lot where a new home will be built *is* covered.

NOTE: When the FTPO was written in 1992 (and revised in 2000), the Mayor and Council specifically supported this policy of exempting the ordinance's application to single family residential lots with existing homes. The Mayor and Council expressed that it would too burdensome to require individual homeowners to produce Forest Stand Delineations, Forest Conservation Plans, and to meet the other FTPO requirements. Staff also expressed concern about the resources necessary to review permit applications and inspect projects on single-family residential lots.

2. Projects requiring only a building permit, such as decks and sheds.
3. For a use permit or use permit amendment, where a sediment control permit is not required for the development activity.

In summary, it is possible to see single-family houses being improved or re-built and no tree protection measures in place. Sites that are covered under the FTPO must provide for tree protection and tree replacement as required by the ordinance. Periodic inspections are made of all development sites that must comply with the FTPO, during and after construction.

SM:td

cc: Jim Wasilak, Chief of Planning  
Somer Cross, Planner II

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